

1 him?

2 A. We were all sitting in a room roughly  
3 like any conference room with a table that looped  
4 around (indicating), so I was on one side of the  
5 table, and he was across the room for that initial  
6 meeting in the morning.

7 He and Erin Andrews kind of arrived a little  
8 bit late that morning.

9 Q. And when you say "we were all sitting in  
10 a conference room," were you working?

11 A. Yes. It was a preproduction meeting  
12 first thing in the morning.

13 Q. And who was in the meeting?

14 A. Matt Sandulli, Nick Davis. I don't know  
15 if Nick Davis was there. All the production  
16 assistants on baseball. Me, both Jeremys, Will,  
17 Erin Andrews, John Miller, Joe Morgan, Steve  
18 Phillips. Erin. I already said Erin.

19 Basically, anybody who was essential to the  
20 Home Run Derby staff, or that weekend, my producer,  
21 Scott Matthews. Anybody who was essential was at  
22 that meeting.

23 Q. And who is Matt Sandulli?

24 A. He is our coordinating producer for  
25 baseball, kind of one of the highest level people on



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1 the production side of baseball, at least, that I  
2 interact with.

3 Q. Okay.

4 So on baseball could you just kind of give me  
5 the chain of command when you were working --

6 A. Sure.

7 Q. -- starting with you, if you would?

8 A. Sure. So I am a project production  
9 assistant, but the other three production assistants  
10 are all full time, so they treated me just -- I was  
11 on the same level as the full-time production  
12 assistants.

13 Each production assistant reports to a producer  
14 on their crew. I report to Scott Matthews. He's my  
15 Wednesday night baseball producer. At the same  
16 time, there are two production coordinators that  
17 oversee all the interns. Those are the people I  
18 interface with most of anybody.

19 That's Joya Caski and Kerry Willis, so I go to  
20 them first thing in the morning. They sort of  
21 collectively gather needs for all the crews, dole  
22 them out to us, and then we get with our individual  
23 producer to see if there's specifics for our game.

24 Above producers and production coordinators are  
25 the coordinating producers, Nick Davis, Matt



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1 redundant. It was just to go back over -- remind  
2 people "This is a very big event. Let's make sure  
3 we are all on board on the same production  
4 elements."

5 We looked at some of the things that we were  
6 going to be airing that were preproduced.

7 Q. So it was another preproduction  
8 business --

9 A. Pretty --

10 Q. -- meeting?

11 A. Pretty much.

12 Q. And he was there, right?

13 A. Yes, ma'am.

14 Q. Did the two of you speak?

15 A. Yes. I got there early.

16 There were maybe two other people in the room.  
17 He came in and sat down right next to me.

18 Q. Okay, and what happened next?

19 A. He said, "How about that morning meeting,  
20 huh?" and I was kind of taken aback, because I  
21 didn't -- I had never met him or introduced myself,  
22 and he was just ready to jump into conversation with  
23 me.

24 I said, "Uh, yeah. I'm surprised you didn't  
25 say anything during that meeting," and he said, "Oh,



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1 no. I wanted to keep my mouth shut," and then he  
2 went into, "How do I know you? How come I've never  
3 met you? What crew are you on? Where are you  
4 from?" Just a barrage of questions about me. I  
5 think maybe I asked him two questions and all I  
6 could get in, and he was just like pawning them off  
7 and trying to continue talking to about -- asking me  
8 questions.

9 Q. What did you ask him?

10 A. I asked -- he said, "How long have you  
11 worked for ESPN?" I told him. I said, "Oh, how  
12 long have you been here?" "Oh, seems like forever."  
13 Then went into the next question.

14 Q. What else did you ask him?

15 A. I asked him -- what did I ask him?  
16 Something about was he excited for the Derby  
17 tonight, because he was going to be talking on  
18 camera during the Derby.

19 "Oh, yeah. I've been doing this forever."  
20 Blah, blah, blah, and he went right into another  
21 question. "Let's get back to you" kind of  
22 conversation.

23 Q. You frown when you say that. Did --  
24 Was there something about this conversation  
25 that seemed unusual or inappropriate to you?



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1 that entire day, because he referred to me as the --  
2 "that Denver chick" like three more times later in  
3 that day, one more time in that conversation, and  
4 then a couple more times while we were out on the  
5 field, and I kept correcting him every time he would  
6 say that, like "Why are you calling me that?"

7 Q. Correcting him to say you are actually  
8 from Colorado Springs?

9 A. Yeah, and my name is Brooke.

10 Q. Did you find him irritating?

11 A. I found that nickname irritating and  
12 inappropriate.

13 Q. Okay, and you wanted him to know that,  
14 right?

15 A. Yes.

16 Q. Did you --

17 Did you communicate to him through your words  
18 and your tone of voice that you thought it was  
19 inappropriate?

20 A. I definitely did my tone of voice, and  
21 then when he would -- the other two times on the  
22 field, he introduced me as that. "Oh, have you  
23 met -- have you met that -- have you met my Denver  
24 chick?" to a stage manager, and I said, "Actually,  
25 my name is Brooke. Nice to meet you."



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1 And I said that right in front of him, and he  
2 didn't seem to care, and then he said it again later  
3 to Chris Berman as he was leaving the field.

4 Q. What --

5 A. I tried to communicate it, but it was  
6 kind of uncomfortable.

7 Q. Okay.

8 Did you use the same tone of voice that you did  
9 just now?

10 A. Yes.

11 Q. Okay. All right. When --

12 Now, you saw him in the second preproduction  
13 meeting, and he said something to you about "You are  
14 a Denver chick," right?

15 A. Uh-huh.

16 Q. Sorry. You need to answer verbally.

17 A. Yes, ma'am.

18 Q. Okay, and then did you see him during the  
19 Home Run Derby?

20 A. Yes.

21 Q. And did you talk with him there?

22 A. Yes.

23 Q. Okay. Tell me about the first time you  
24 talked with him on the field.

25 A. Before the game, he asked me where I was



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1 going to be at, and I said, "Apparently in the  
2 dugout, right behind where you guys are sitting,"  
3 because that's where I had to work for the night.

4 Throughout the Derby, he would kind of turn  
5 around and wink at me, or like someone would be  
6 talking to him forever, and he would roll -- look at  
7 me and roll his eyes, like "I don't -- I don't care  
8 what this guy's saying to me," and then we talked  
9 after the game.

10 I kind of waited around to see if there was  
11 anything they needed help with. The stage manager  
12 came up to me and said, "I got to wait around for  
13 Chris Berman. Do you mind taking Steve back to the  
14 production trucks, if that's okay with him?" And he  
15 was like -- that's when he said in front of Berman,  
16 "Yeah, my Denver chick can take me back. Look at  
17 this little thing. She's going to be my bodyguard."

18 Then I took him back to the truck. On the way  
19 back to the truck, he started asking me more  
20 questions about, "Do you have a boyfriend in  
21 Bristol? I bet the guys are all over you. How nice  
22 is it -- do you get to hang out around major league  
23 players all night?" It was just even more  
24 uncomfortable conversation.

25 Q. What did you say?



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1           A.     I just kind of tried to be as polite as  
2 possible. "No, I don't have a boyfriend. Yeah, I  
3 really like baseball." I can't remember what else  
4 he asked me.

5           I just -- I just tried to be short and sweet  
6 and polite as possible, until I could get to the  
7 production trucks and drop him off.

8           Q.     At this point, was he aggravating you?

9           A.     He was just making me really  
10 uncomfortable.

11          Q.     In what way?

12          A.     Just -- I knew a member of the talent  
13 shouldn't be asking me stuff about my relationships  
14 and if the guys are after me in Bristol. I don't  
15 even talk to production assistants like that.

16          Q.     Did you do anything to try to discourage  
17 that?

18          A.     I didn't look at him. I mean, he was  
19 talking to me -- like walking next to me and talking  
20 to me, and I just kind of had my eyes front and  
21 center on (indicating). Let's just get to the  
22 production trucks.

23          I cut him off a couple times, and I was talking  
24 like, "Oh, I think we need to go this way" to kind  
25 of end the conversation, but he kept going.



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1 Q. So by this time, you felt he was being  
2 too personal, right?

3 A. Yes.

4 Q. And you wanted to avoid him, right?

5 A. I just wanted the day to kind of be done  
6 with him. I didn't want to avoid him. I knew I  
7 probably had to work with him in the future.

8 For the most part, I had high regards for him.  
9 I was just trying to call it a product of the  
10 circumstances and just be done with the day around  
11 him.

12 Q. And why did you have high regards for  
13 him?

14 A. Because -- I mean, I have high regards  
15 for anybody who's made a successful career, who is  
16 on TV every night talking about sports. I mean...

17 Q. Did you get to see him on air at all?

18 A. I watch Baseball Tonight.

19 I've seen him on TV before. That's how I  
20 respect his work. I mean, I have seen him do his  
21 job.

22 Q. Before the Home Run Derby, had you seen  
23 him on air?

24 A. Yeah.

25 Q. And you --



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1 parked outside the stadium, so everything that  
2 happens on the field, we bring it back to the  
3 production trucks.

4 They were giving out pizza and, I think,  
5 T-shirts or something to the crew. Just kind of a  
6 "Hey, everybody did a great job," before you go back  
7 to your hotel, get everybody together.

8 Q. Okay.

9 So when you got back to the production trucks,  
10 did you and Steve talk or do anything further?

11 A. I took a photo with him. I had been  
12 trying to get photos with just -- just photos  
13 throughout the entire trip. It was again, part of  
14 the idea of doing more with Facebook and wanting to  
15 get pictures of the crews and different things we do  
16 on site.

17 So I asked for a photo with him, and Carrie  
18 took the photo, and the photo -- he pressed himself  
19 about as tightly as you could against me, which  
20 really made me uncomfortable, and I told Carrie  
21 after that photo that that was really weird and  
22 uncomfortable. She took the photo, and she said,  
23 "Yeah, you should probably watch out for him. He's  
24 got a history with some stuff," and that's all she  
25 said.



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1 Q. And what did you think when -- what did  
2 you think after she said that?

3 A. Just kind of reconfirmed my gut feeling  
4 about this guy.

5 Q. And what was your gut feeling about him?

6 A. That -- that he -- he didn't introduce  
7 himself with me in a professional work manner, that  
8 his intent was largely a sexual nature with regards  
9 to me.

10 Q. And how did you feel about that?

11 A. Disgusted.

12 Q. Okay.

13 And so you decided to stay as far away from him  
14 as you could, right?

15 A. Yes.

16 Q. All right, and what time of day was that?

17 A. Home Run Derby probably started around  
18 7-ish, I assume. Got over around maybe 9:30, 10:00,  
19 somewhere in that range.

20 Q. All right.

21 And then when was the next time you saw  
22 Mr. Phillips?

23 A. We went back to the hotel. I went in my  
24 room to change, because I had intended to meet a  
25 friend in St. Louis for the evening. Came down from



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1 my hotel room, and Matt Sandulli, Joe Morgan, Steve  
2 Phillips, Tim Scanlon, Joya, Carrie, all the  
3 production assistants were down there, and Matt  
4 said, "Where are you going? We're all having a  
5 drink," and opened his backpack full of beer.

6 He said, "Sit down." Just -- you know, "We are  
7 all hanging out together tonight." I said, "Great,"  
8 so I sat down with them. He offered me a beer. I  
9 don't really drink beer, so I declined. I can't  
10 remember. I must have --

11 I went and got a drink from the bar. The  
12 production people were sitting all together, and the  
13 talent were sitting all together, so John, Joe,  
14 Steve, and Matt was kind of gravitating between the  
15 two groups.

16 Q. Okay, so -- and around what time was  
17 this?

18 A. Probably 10:00, 10:30.

19 Q. Okay.

20 A. It was -- it was shortly after.

21 Q. Who were you going to see in St. Louis?

22 A. My friend Jake.

23 Q. And how do you know Jake?

24 A. We've been -- my best friend from home,  
25 John -- his best friend moved to Ohio and became



1 best friends with Jake.

2 Jake came to visit. We all sort of hung out.  
3 Every time we're all in Colorado, we spend time  
4 together.

5 Q. Did you make plans? What you were doing  
6 to do?

7 A. I think we were just going to grab  
8 dinner. It was kind of up in the air. It was just,  
9 "Hey, I'll swing by and pick you up. We'll get  
10 something to eat. It will be good to see you."

11 Q. Did you look forward to sitting down to  
12 with the people you worked with?

13 A. Not particularly. It had been a really  
14 long day. I was kind of ready to hang out with  
15 someone else.

16 Q. Right. What -- what --  
17 What drink did you get for yourself from the  
18 bar?

19 A. I got a screwdriver.

20 Q. And what's a screwdriver made of?

21 A. Orange juice and vodka.

22 Q. All right, and so you -- did you sit down  
23 with the production people?

24 A. I did.

25 Q. Okay. What happened next?



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1           A.       We talked for a long time. I didn't want  
2 to be the first to leave. I kind of had that  
3 mindset "I will leave when the other production  
4 assistants leave," never mind the fact that they are  
5 all young men who could stay up all night, so  
6 people --

7           We talked. We talked about sports. We talked  
8 about the game. We talked about what was going on  
9 in college basketball. Some people started to kind  
10 of head to bed. I -- I talked to Matt. I wanted to  
11 meet Joe Morgan, so I asked if he wouldn't mind  
12 introducing me, because my dad is a lifelong Joe  
13 Morgan fan.

14           I really wanted to get a ball signed to bring  
15 home for my dad, and I wanted to clear it with Matt  
16 before I ever approached Joe. He said, "That's  
17 fine. Let me bring you over." Got a ball signed by  
18 Joe, met him, talked to him a little bit, went back  
19 to where the production people were.

20           I would say maybe -- maybe a half an hour later  
21 Steve walks up to us and he says, "What are you guys  
22 drinking?" and I said, "Oh, I had a screwdriver."  
23 Jeremy is like, "Oh, just been drinking beer."  
24 Jeremy Drummond said, "I've just been drinking  
25 beer," and he said, "Let me buy -- let me buy you



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1 something to drink."

2 I said, "No, I'm good. One drink's my limit.  
3 I don't need anything else." He said, "Are you sure  
4 you guys don't want anything?" Jeremy said, "I'll  
5 take a beer. I will take another beer," told him  
6 whatever he was drinking. I don't recall what the  
7 beer was.

8 Steve left, comes back maybe five, 10 minutes  
9 later with a screwdriver and puts it in front of me  
10 and walks away.

11 Q. Did he bring drinks for Jeremy, too?

12 A. No, just me.

13 Q. Okay, so he put down your drink and  
14 walked away?

15 A. Yeah.

16 He just said, "Here you go" and went to go talk  
17 to somebody, and I...

18 Q. Did Jeremy ever get his beer?

19 A. No.

20 Q. Okay. Do you know -- did anybody else  
21 ask for a drink --

22 A. I don't --

23 Q. -- from Steve?

24 A. I don't think so.

25 Will and Jeremy were both -- the other



1 Jeremy -- were both sitting there, but I don't -- I  
2 don't recall them asking for anything.

3 Q. Have you ever been out --

4 MS. WALWORTH: Withdraw that.

5 BY MS. WALWORTH:

6 Q. Were you out in the field at any other  
7 time where the talent offered to buy food or drinks  
8 for the production staff?

9 A. Never.

10 Q. Do you know if it's traditional for the  
11 talent to try to spring for drinks or food?

12 A. We buy food for them --

13 Q. Okay, so given --

14 A. -- or running to get them coffee, like I  
15 had to do for Erin Andrews.

16 Q. So given that, did you feel like it was  
17 kind of polite or nice on Steve's part to offer to  
18 buy drinks for the group?

19 A. Initially I did, absolutely.

20 Q. Okay, and then you -- but you changed  
21 your mind?

22 A. When he came back for a drink just for  
23 me.

24 Q. Okay. Did you say anything?

25 A. I didn't even have a chance to. He just



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1 put it down and walked away.

2 Q. Okay.

3 A. I said something to Jeremy.

4 Q. What did you say to Jeremy?

5 A. I said, "Well, isn't this nice? I didn't  
6 ask for this," and he kind of looked at me weird and  
7 said, "Yeah, where's my beer?"

8 Q. Okay, and what happened next?

9 A. I took a sip of it, and it tasted like  
10 pure vodka, and I almost spit it out, and Jeremy  
11 started laughing hysterically at me, and I said,  
12 "You have to taste this. This tastes like pure  
13 vodka."

14 He took a sip, and he was like, "Yeah, that is  
15 pretty strong." Then he started joking that maybe  
16 Steve didn't tell the bartender that it was for a  
17 girl, that I was drinking a man's drink. I said,  
18 "Do you want it? Because I can't drink this."

19 Q. Okay, so you didn't drink it, right?

20 A. No.

21 Q. And did he?

22 A. I don't think so. I believe it just sat  
23 there.

24 Q. Okay. What happened next?

25 A. More people started going to bed. Tim



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1 and Carrie went to bed. Most of the people I was  
2 familiar with were going to bed, but production  
3 assistants were still there.

4 Matt Sandulli was still there, so I still  
5 thought I was obligated to sit there, so they were  
6 talking about college basketball, and I was bored.

7 So I went to the bathroom. Figured I needed to  
8 go to the bathroom anyhow, but I would kill some  
9 extra time in there, and when I came back, everybody  
10 would be ready to go to bed, so I went to the  
11 bathroom, completely around the corner and out of  
12 sight from the lounge we were in.

13 Q. And what happened next?

14 A. Went to the bathroom. Stayed in there  
15 for a little while. Tried to kill some time. Was  
16 like, "Okay. I guess I can come back now," so I  
17 walk out, and Steve is standing across the hall from  
18 the bathroom, kind of acting like he's straightening  
19 his clothes. It was just kind of strange, and I  
20 stayed on my side of the hallway, which is a pretty  
21 wide hallway.

22 And I just yelled to him, "What were you doing  
23 with that drink? Are you trying to get me drunk?  
24 It was really strong," and I said it pretty loudly,  
25 in an empty hallway, and he said, "What? I can't



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1 hear you. Stay there, let me walk over and hear  
2 what you said," so I let him come to me, and then  
3 he -- I told -- I said again what I said to him, and  
4 he said, "I wasn't trying to get you drunk" and put  
5 his hand on my shoulder. "I wouldn't do that."

6 MR. HAYBER: Carla, if you have a  
7 breaking point coming up, if I could just  
8 have a break? Whenever is a good time for  
9 you.

10 MS. WALWORTH: Okay. Can we wait  
11 just a -- I'm going to -- I will let you  
12 know.

13 MR. HAYBER: Okay.

14 MS. WALWORTH:

15 Q. So do you know -- was the men's room  
16 nearby?

17 A. It was in the same hallway, but further  
18 down.

19 Q. Okay.

20 And when you said "straightening his clothing,"  
21 what was he doing?

22 A. He was just kind of like -- he kind of  
23 stopped in the hallway. And as soon as I came out  
24 he kind of was adjusting his shirt a little bit, and  
25 looking down at himself. I don't know, just

1 primping a little bit (indicating).

2 Q. Primping, did you say?

3 A. Yeah. I don't know what else to call it.

4 Q. Okay.

5 You mentioned that you had gone back to your  
6 room to change. What were you wearing for business  
7 during the day?

8 A. I was required to wear this white polo  
9 shirt and khaki pants.

10 Q. Okay.

11 A. I had sweat like crazy in it, being  
12 outside running stuff back and forth all day.

13 Q. What did you change into?

14 A. I put on shorts and a red blouse.

15 Q. Okay.

16 So what happened after he put his hand on your  
17 shoulder?

18 A. It started to kind of get a little  
19 uncomfortable. He was really close to me, and I  
20 backed away a little bit, and I said -- no. He went  
21 right into. "How you doing tonight? It's so good to  
22 see you. I didn't really get to talk to you."

23 I kind of said, "Well, you kind of had all  
24 evening to talk to me if you wanted to." He said,  
25 "You are so pretty. I think we have some good



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1 chemistry here." It sort of started to click in my  
2 brain that this was not a good situation, and I  
3 said, "Steve, you don't want to do that. We are  
4 just friends," and I backed away a little bit, and  
5 he came closer to me.

6 Then I said something along the lines of -- oh,  
7 he had his wedding ring on, and I pointed out his  
8 wedding ring to him, and I said, "Look, you are  
9 married. You know, you have probably got wife and  
10 kids." He said, "Oh, don't worry about that. I've  
11 got four boys at home. I only stay married because  
12 I have to. You will understand someday. Beside, I  
13 really like you."

14 He got closer to me again, and he said, "You  
15 should come upstairs with me. I got a suite," and I  
16 was like, "Steve, sorry. I am not interested in  
17 this."

18 He -- at some point -- at one point acted like  
19 I -- I don't know if he was feeling the effects of  
20 some wine or something, because he didn't seem  
21 drunk, but he just kind of seemed a little odd to  
22 me, and he like put his finger on my chest, and then  
23 I looked down, and he did that like where it hits  
24 you in the nose (indicating).

25 I was like, "What are you doing? Are you



1     okay?" He's like, "I am fine. I would be a lot  
2     more fun -- I'd be a lot more happier if you would  
3     just come upstairs with me." He put his hand on my  
4     chest, said, "Oh, I bet the guys tell you you have a  
5     really great chest."

6             I said, "Steve, come on now. You are going to  
7     lose your job over this. You don't want to be doing  
8     this."

9             Q.     How did he put his hand on your chest?

10            A.     He was standing this close to me  
11     (indicating), and he just put his palm right on my  
12     breast, on top of my clothes and everything, but...

13            Q.     Now, by this time, did you feel like "I  
14     really have to stay away from this guy"?

15            A.     I was really hoping someone needed to go  
16     to the bathroom, because...

17            Q.     My question is:

18                 By this time, did you feel as though you really  
19     needed to stay away from this guy?

20            A.     I really needed -- I felt I needed to get  
21     away from this guy, yes.

22            Q.     And you needed to stay away from him,  
23     right?

24            A.     Yes.

25                    MS. WALWORTH: All right. Why don't



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1 MS. WALWORTH:

2 Q. Ms. Hundley, do you remember anything  
3 else that was done or said when you and Mr. Phillips  
4 were standing in the hall near the ladies' room?

5 A. Yeah. He went in to kiss me, and I  
6 pulled away (indicating), and that's when I really  
7 needed to get out of there. I said -- he was still  
8 kind of holding onto my arm.

9 I said, "Oh, I got to get back, Steve. I will  
10 come up to your hotel room later," because he had  
11 asked me again, right before he kissed me, "Oh, you  
12 need to come upstairs. Come to my room." I figured  
13 the only way I was going to get away from this guy  
14 was if I said I will come later. I convinced him my  
15 purse and all my things were still sitting out there  
16 with the people in the lounge.

17 People were going to start asking questions  
18 about where did I go, you know, come looking for me.  
19 "I will come up later. Just, you know, go to your  
20 room. Go get cleaned up. I need to go get my  
21 things." He said, "Okay, fine. You better come up  
22 later. I will be waiting for you." He told me  
23 whatever his room number was.

24 I made a beeline for the people back in the  
25 lounge. I was practically running back to the



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1 lounge.

2 Q. Did he kiss you in the hall?

3 A. Yeah.

4 Q. Okay. Tell me how that happened.

5 A. He had his hand on my chest, and said --  
6 you know, "You have such great breasts. I bet  
7 everybody's -- everybody really likes them," and  
8 then just went in.

9 I mean, he was like this close to my face as it  
10 was, when he put his hand on my chest, and just put  
11 his lips on me, and I backed away, and I put my hand  
12 up against his chest, and said, "I need to go."

13 Q. Okay, so you actually put your hand down  
14 on his chest --

15 A. I did.

16 Q. -- to keep him further away from you?

17 A. Uh-huh.

18 Q. Was that effective at that time in  
19 keeping him away from you?

20 A. It stopped him, yeah.

21 Q. Did you think about putting your hand up,  
22 or was it just a reflexive move on your part?

23 A. It was just an immediate reaction to get  
24 him to stop kissing me, to get him to stop, get him  
25 off of me.



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1 Q. And then after he kissed you, and you put  
2 your hand up, you said something like "I will come  
3 up later. I'll go get my things," right?

4 A. I said, "People are going to come looking  
5 for me."

6 Q. Uh-huh.

7 A. "All of my things are in the lounge. If  
8 you don't want people to come start asking  
9 questions, like I need to go back and get my  
10 things."

11 Q. Uh-huh, and you said, "I will come up  
12 later," right?

13 A. Yeah, because he kept saying, "Come with  
14 me now." I said, "No, I will just come later, okay?  
15 Just let me" --

16 I thought it was the only thing I could say.  
17 It seemed to be the only thing that was effective.

18 Q. Okay, but I need a clear answer just to  
19 this one question.

20 A. Okay.

21 Q. You said, "I'll come up later," is that  
22 correct?

23 A. I did say that.

24 Q. Okay.

25 Do you remember anything else that happened,

1 either what you said, or he said, or either of you  
2 did, while you were downstairs near the restroom?

3 A. I know at one point when I said, "You  
4 don't want to lose your job over this," he said,  
5 "I'm not worried. You are not going to say  
6 anything. You like me too much to say anything."

7 Q. And what did you say in reaction to that?

8 A. I just -- I just kind of gave him a  
9 disgusted look. I mean, I don't even know what to  
10 say to that. I don't even know you.

11 I just kept reiterating, "Come on, Steve. You  
12 don't want to do this. This is not a good idea."

13 Q. Okay, so then you left, right?

14 A. Then I went straight back to the lobby.

15 Q. And you got your things, right?

16 A. No. I went straight to Joya. I didn't  
17 go anywhere near my things. She was the first  
18 person I saw that I knew that wasn't a production  
19 assistant.

20 Q. Okay. When was the next time that you  
21 saw Mr. Phillips?

22 A. Later that evening.

23 Q. What time was it?

24 A. I don't know. Maybe midnight.

25 Q. Okay, and where -- where did you see him?

1           A.     In -- last time I -- next time I saw him  
2     was in his hotel room.

3           Q.     Okay.

4           So the next time you saw him was actually in  
5     his room, right?

6           A.     Yes.

7           Q.     And he was in his room, and you were in  
8     his room, right?

9           A.     Yes.

10          Q.     Okay, and how did you get to his room?

11          A.     Well, after I tried to tell Joya what  
12     happened and she dismissed my claims, I went crying  
13     back to my room, and eventually I decided "Well, if  
14     nobody else is going to do something, I am going to  
15     say something about this behavior," and so I called  
16     his room, basically, to yell at him and say "This is  
17     so inappropriate. I hope you have taken a minute  
18     now to realize that this is so inappropriate. We  
19     have to work together in the future."

20          I talked to him on the phone, and he was very  
21     sympathetic, very apologetic. He said -- you know,  
22     he's just been having a really bad -- I don't know,  
23     a bad few weeks, I think he said at that point.  
24     That he puts on a good face on camera, but he's  
25     going through a lot right now. He shouldn't have



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1 done what he did, that he wanted -- that I --

2 He would like the opportunity to apologize to  
3 me in person. He thought about coming by my room,  
4 but it might look a little strange to other people,  
5 that I should come by, we could talk, hang out a  
6 little bit.

7 He could apologize in person, and if anybody  
8 asked, I could at least say I was just dropping  
9 something off production related to him, that it  
10 wouldn't be a big thing to anybody.

11 Q. Okay, so I have a question for you: Did  
12 you walk to his room?

13 A. Yeah.

14 Q. Okay.

15 A. I left my cell phone and most of my stuff  
16 in my hotel room. I just had a small little handbag  
17 with me. I didn't expect to be there that long.

18 Q. Did you have your key with you?

19 A. Well, yeah. I needed to get back into my  
20 room.

21 Q. Okay.

22 So you took your purse with you, and you went  
23 upstairs to Mr. Phillips' room, right?

24 A. Yes.

25 Q. What floor were you on?

1 A. What floor was my room on?

2 Q. Yes.

3 A. I don't know.

4 It was in a different wing of the -- I had to  
5 go down an elevator, walk across, and go back up the  
6 elevator.

7 Q. While you were taking that walk, did the  
8 thought cross your mind that this might be a bad  
9 idea?

10 A. The thought crossed my mind a hundred  
11 times this might be a bad idea, but I figured I had  
12 control of the situation.

13 I was the one going there. If it got  
14 uncomfortable, I could leave. I was trying to be  
15 optimistic, that he -- he seemed completely sincere  
16 when I talked to him on the phone.

17 Q. Did you want him to speak with you in  
18 person?

19 A. I did. I wanted to hear a real apology  
20 and see his face when he said it.

21 Q. Did you tell him you wanted an apology in  
22 person, or did he say "I want to apologize to you in  
23 person"?

24 A. I said, "You owe me an apology." He  
25 said, "I know. I thought about coming to your room,

1 but it would be really awkward, so why don't you  
2 just come to me, and you can just say if anybody  
3 asks, you were dropping off some things production  
4 related."

5 Q. Did he say during that call that you  
6 could hang out?

7 A. Yeah. He said we could talk for a little  
8 while. Not really sure.

9 Q. Okay.

10 And then once you walked to his room, did you  
11 knock on his door?

12 A. I did.

13 Q. Okay, and then what happened?

14 A. He opened the door, and he was wearing a  
15 T-shirt and shorts.

16 That's the only time I have never seen him look  
17 professional. It kind of surprised me he had  
18 changed out of his clothes so fast, but...

19 Q. Okay, and when --

20 When you saw that, did you say to yourself "I'm  
21 not going to go inside"?

22 A. No. I said to myself "I am not going to  
23 stay here very long."

24 Q. Okay.

25 A. I was still there to get my apology.



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1 Q. Did you think about standing in the  
2 hall --

3 A. I did.

4 Q. -- while --

5 A. Initially I stood in the hallway.

6 Q. Okay.

7 A. He said, "No, come inside. Just come  
8 in."

9 Q. Okay.

10 A. That's -- you know.

11 Q. Okay.

12 A. He said he had a separate section. He  
13 goes, "I have a suite. There's like a dining area,  
14 kitchen, whatever. Just come in and put your stuff  
15 over there," like...

16 Q. Now, why did that persuade you -- the  
17 fact that he had a dining area -- to come inside?

18 A. Because it was -- it was like a whole  
19 other room. I thought "Okay, I can have a civil  
20 conversation not in your bedroom with you with  
21 regards to an apology," and --

22 He had said something along the lines of,  
23 "You've never -- bet you've never seen the suites  
24 here. You should at least see it while you are  
25 here. Check out my view. I have a really nice



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1 view."

2 Q. So when you heard him say, "Would you  
3 like to see the suite and check out my view"? did  
4 you say to yourself "That's just another reason to  
5 get me into his room"?

6 A. I honestly didn't even think of it like  
7 that. Didn't even cross my mind --

8 Q. Okay.

9 A. -- that that was his intention.

10 Q. Okay.

11 So you felt comfortable going in and sitting  
12 down, right?

13 A. Comfortable enough.

14 Like I said, I thought I was in control of the  
15 situation and could leave when I wanted to.

16 Q. Okay.

17 Did it occur to you to say, "Let's talk in the  
18 lobby"?

19 A. The lobby was nowhere near his room.

20 Q. Well, but you could have walked there,  
21 right?

22 A. Yeah. His big thing was like, "This is  
23 going to look bad for both of us if -- at least if  
24 you are just coming to drop something by, it doesn't  
25 look like we are socializing. It doesn't look weird



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1 if I am coming to you, like I'm trying to visit you  
2 in your hotel room."

3 He's very -- he was very convincing about this  
4 whole me coming by his room. I don't know how else  
5 to describe it. I mean...

6 Q. Well, my question is:

7 Given how you felt, did it occur to you to say  
8 "Let's just stop for a few minutes in the lobby"?

9 A. No, and I didn't know he was still  
10 downstairs, so I it didn't occur to me. I didn't...

11 Q. So it seemed better to you to go into his  
12 room, right?

13 A. Yes.

14 Q. Okay. Now, what happened after you went  
15 into his room?

16 A. I walked in, went straight towards the  
17 dining room, put my purse on the table, was looking  
18 out at the view, and said something like, "Oh -- you  
19 know. This is not bad for this cruddy hotel we're  
20 in." As soon as I turned around, I could feel him  
21 basically breathing down my neck.

22 I said, "Whoa," and he was basically leaning in  
23 for a kiss toward my neck and I said, "Whoa, Steve.  
24 This is not what" -- and I should preface before I  
25 came to this room, I made him swear to me on the



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1 phone that he was not going to try and hook up with  
2 me, not try anything sexual with me.

3 That's another reason why maybe I was so  
4 confident in going to his room. He swore up and  
5 down, "This is not what I'm intending by you  
6 visiting me for. You know, this is strictly  
7 professional. I feel bad about this." So --

8 Q. Okay.

9 A. -- as soon as he was basically on top of  
10 me in this hotel room, I said, "This is not what I  
11 came here for. I want to go. I should go," and  
12 grabbed my purse, went to reach for my purse. He  
13 grabbed my hand, and I dropped the purse in front of  
14 me.

15 He said, "No, you need to stay. I want you to  
16 stay. This is -- you know the real reason why you  
17 came here." I said, "No, I really need to go,"  
18 stepped back from him, grabbed my purse, got maybe  
19 three steps closer to the door. He again got in  
20 front of me and said, "No, you need to stay. I am  
21 not letting you leave."

22 He put his hands basically on me. I pushed  
23 him -- like I don't even want to say "push," because  
24 he's a lot bigger than me, but I just kind of  
25 stepped back and tried to get around him one more

1 time. Got to the door, noticed the door was locked.  
2 Tried to reach for the lock, said, "I need to go.  
3 Like don't worry about it. I won't say anything.  
4 Just let me go."

5 He grabbed my hand that was on the door lock  
6 (indicating). He swung it around and pinned me  
7 against the door and said, "You are staying here  
8 tonight. I want to make you feel good. You need to  
9 just relax and stop talking. Stop -- just calm down  
10 and relax." Untied my shorts, put his hand in my  
11 shorts while the other one was kind of pinning my  
12 shoulder against the door (indicating).

13 I asked him to stop over and over and over. He  
14 didn't. I asked him to let me go. I was crying  
15 hysterically.

16 Do you want me to continue with this?

17 Q. I want to know what happened, so I think  
18 that you should continue to describe --

19 A. Okay.

20 Q. -- what happened while you were in the  
21 room.

22 A. He took his shirt off. I said -- but he  
23 was standing so close to me, it wasn't like I had a  
24 second to get out of there. He was still basically  
25 right next to me. He took his shirt off. I said,



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1 "Come on, Steve. Just let me go." He -- he said,  
2 "Calm down. I just want to feel my body against  
3 yours." He kept just manually trying to stimulate  
4 me, kissing me.

5 Q. What do you mean, "manually"?

6 A. He kept his fingers in my shorts, moving  
7 them around. He kissed me on the chest, kissed me  
8 on the neck. Tried to kiss me on the lips, but I  
9 moved my head every time he tried to do that. I was  
10 pretty much just frozen there, begging him to stop.

11 He grabbed my hand and pretty much yanked me  
12 towards the bed, and threw me against the bed.  
13 Pulled off the rest of his clothes, orally tried to  
14 kiss me and orally -- perform oral sex on me.

15 And it was -- spacially it was like really long  
16 or something, because it was like daggers in my  
17 skin. I kept asking him to stop over and over  
18 again. He didn't even care. He was getting really  
19 annoyed that I was even saying anything. I  
20 mentioned, "You're married. You know, you have a  
21 wife and kids." He said, "Don't talk about them,"  
22 that he was just here to make me feel good. He's  
23 not going to do anything to hurt me, even though I  
24 told him he was hurting me over and over again.

25 He eventually -- I was crying so much at some



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1 point I told him it hurt so much he finally said,  
2 "Fine, I won't have sex with you tonight, but I am  
3 still going to get off. He -- I was lying on the  
4 bed. He climbed -- laid down next to me and grabbed  
5 my hand and tried to manually stimulate himself  
6 with -- just manually rub my hand up and down him  
7 for a while, and it was like -- you know. I  
8 obviously wasn't doing anything with -- my hand was  
9 loose, and he said, "You could at least try."

10 I said, "I don't want to do this." He said,  
11 "Fine," and he grabbed some lotion. It was just  
12 right there on the bedstand, like he had prepared  
13 for it. He rubbed himself, and -- and when he was  
14 ready to release, he turned and sprayed it all over  
15 me.

16 Q. Okay, and what happened next?

17 A. I was on the side of the bed that was  
18 nowhere near the door, so -- he had a towel on the  
19 floor. He just kind of wiped -- wiped himself down  
20 and wiped me down, and then just laid down next to  
21 me and just kind of pinned his arm on top of mine  
22 while he talked to me.

23 He talked to me about how -- you know, not to  
24 worry. It would have been okay if we had had sex,  
25 because he had a vasectomy. Told me about how it



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1 was okay, because how everybody at ESPN does this  
2 kind of thing, and he named a bunch of names, Scott  
3 Van Pelt and Nick Davis, who was like a dad to me at  
4 work, and Kirk Herbstreit.

5 I mean, he said, "Even Erin Andrews sleeps with  
6 whatever baseball player that comes along her path."  
7 He told me not to worry about anything, because he  
8 would look out for me as long as I didn't say  
9 anything. He knew a lot of people in baseball,  
10 didn't I know that all the producers love to suck up  
11 to him.

12 He said, "Who do you work for?" I told him  
13 Scott. He said, "Oh, yeah, Scotty. Scotty loves me  
14 to death. Like I will put in a good word for you."  
15 I said, "I really don't need you to." He asked me  
16 what ball players I liked, was there anybody he  
17 could introduce me to. I just -- he asked -- he  
18 kept asking, you know. I didn't say anything, and  
19 then he said, "Come on. There's a couple ball  
20 players that you like."

21 I said, "I don't know. David Wright, Derek  
22 Jeter," and he said, "Oh, you don't want those guys.  
23 They're just a bunch of players. You got me." What  
24 else did he say? Oh, he said -- he was really -- he  
25 really got angry when he talked -- I said -- only

1 reporter.)

2 THE WITNESS: At some point within  
3 the next day he started texting me, making  
4 sure I got home.

5 Yeah, he was sending me texts to make  
6 sure I got home okay from St. Louis, and  
7 then we just started conversing over text  
8 messages from pretty much there.

9 MS. WALWORTH:

10 Q. And what did you converse about?

11 A. It started off innocently enough. I  
12 mean, he had told me he was going to help me in my  
13 career and such if I didn't say anything about the  
14 night, so one of the first text messages I remember  
15 sending him was saying, "Okay. I want to get in  
16 touch with people about reporting. Who should I  
17 talk to?"

18 He gave me Laurie Orlando's name and Tim  
19 Scanlon's name.

20 Q. He gave you who?

21 A. Laurie Orlando and Tim Scanlon. He  
22 didn't know I knew Tim Scanlon already. He gave me  
23 Tim Scanlon's name, as well as people I should  
24 contact and give his name to about wanting to  
25 report.



1 Q. Okay.

2 So you decided you wanted him to help you,  
3 right?

4 A. I figured after everything I had been  
5 through, he could at least hold up his end of the  
6 bargain.

7 Q. All right.

8 And you said it started off innocently enough,  
9 right?

10 A. Yeah. It was mostly "How are you? How  
11 can I help you," pretty much making sure I wasn't  
12 going to say anything to anybody.

13 Q. What were his words?

14 A. "How are you? How is it going? How are  
15 you feeling?" You know, gave me the names of the  
16 reporters, asking me how -- you know, the weekend --  
17 the rest of my -- how my week was going, did I talk  
18 to anybody about my weekend in L.A.

19 I mean, my weekend in St. Louis. Just a lot of  
20 trying to be as polite as possible to me. What did  
21 I need? How was I feeling?

22 Q. Okay, and when was the next time you were  
23 with him in person?

24 A. I know he asked me to meet him to get --  
25 if I got his mail, people wouldn't think it was



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1 weird if we were meeting around campus, so the first  
2 time I think it was because after the first --

3 The first time he wanted to meet me, he said,  
4 "Let's meet in your stairwell. I will come by and  
5 see how you are doing. I want to come see where the  
6 interns work." He asked me if any other talent ever  
7 come down there. I said, "Stewart Scott came down  
8 once, and it was very awkward." I said, "I probably  
9 wouldn't recommend you just hanging out with the  
10 interns."

11 He said, "All right. I will meet you in the  
12 stairway. I want to talk to you about something."  
13 The stairwell. I went in the stairwell, and he  
14 talked to me about wanting to meet me after work at  
15 Target. It was very brief, because it was very  
16 awkward, because people kept coming up and down the  
17 stairs.

18 I think he thought nobody would go to the  
19 stairwell. Just really brief. "Okay, let's meet.  
20 I will meet you at Target parking lot," whatever the  
21 time was. Maybe eight, whatever.

22 Q. Okay. Let me --

23 Let me ask you a question here: Did you agree  
24 to meet him in the stairwell?

25 A. Yeah. He said he wanted to talk to me.

1 Q. Okay, and you walked to the stairwell  
2 yourself to see him, correct?

3 A. Yes.

4 Q. Okay. Why did you do that?

5 A. Because he had been pretty cordial over  
6 text messages at this point. He seemed really  
7 concerned for me. I wanted to see what he wanted to  
8 talk to me about.

9 Q. Okay.

10 And did you have his mail in your hand when you  
11 went to the stairwell?

12 A. Not that visit. It became a regular  
13 thing after that first visit.

14 Q. Okay.

15 A. It became his new idea after the  
16 stairwell was so awkward.

17 Q. Okay.

18 Now, what is your best recollection of his  
19 words about meeting you after work?

20 A. "It's so good to see you. I really want  
21 you to meet you after work. We can talk more. This  
22 is kind of awkward with all these people coming back  
23 and forth. Can you meet me? What time is good for  
24 you? We could just meet over at Target."

25 Q. And what was your response? What were



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1 your words, as best you recall?

2 A. I said, "I guess. What do you want to  
3 meet me for? Yeah, I get off work at whatever,  
4 five, six. I guess I could hang around."

5 It was probably -- I mean I only asked a few  
6 questions. There wasn't a whole lot of time in  
7 there.

8 Q. Do you remember anything else that you  
9 said to him?

10 A. For that first meeting, no.

11 Q. Okay.

12 Now, you finished up work between five and six,  
13 right?

14 A. Roughly. I mean, depends on the day.

15 Q. And when did he finish up work that day?

16 A. I assume right before he wanted to meet  
17 me, so probably eight-ish.

18 My recollection of the -- the times isn't  
19 exactly superior. I know it was in the evening. I  
20 know it was after work.

21 Q. Well, would you say that you probably  
22 waited an hour or two for him to finish work before  
23 meeting him?

24 A. I probably hung around and just did work  
25 for the next day for another hour, yeah. It wasn't



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1 as if I was just waiting on him. I had things to  
2 do. I didn't mind.

3 Q. Did you drive together or separately?

4 A. Separately.

5 Q. So you drove your car to Target, right?

6 A. Uh-huh.

7 Q. I'm sorry. You need to answer verbally.

8 A. Yes, ma'am.

9 Q. Thank you. And then where did the two of  
10 you meet?

11 A. We met in the back of the parking lot.

12 Q. Okay, and how did you know to meet him  
13 there?

14 A. I just parked there and then he drove up  
15 and parked right next to me.

16 Q. Okay. So what's the location of the back  
17 parking lot?

18 A. It's not -- I mean, it's just the parking  
19 lot. We just parked as far away from the store as  
20 we could.

21 Q. And why did you do that?

22 A. I was just sitting there. I was just  
23 waiting. I didn't want to park in a normal parking  
24 spot. I figured I'd wait for him to pull in, see  
25 where he parked, and then come park by him.



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1 I didn't expect him to park right next to me.  
2 My car was on. It wasn't really -- I mean, it  
3 wasn't really parked.

4 Q. Why did you decide to park as far away  
5 from the car -- from the store -- as you could?

6 A. Because I wanted to see his car coming  
7 down the hill (indicating).

8 Q. Okay. You didn't want to miss him,  
9 right?

10 A. Yeah.

11 Q. Okay.

12 Now, the next thing that happened is that he  
13 pulled in, right?

14 A. Uh-huh.

15 Q. You need to answer verbally.

16 A. Yes, ma'am.

17 Q. I'm sorry.

18 Now, how did you know when to leave ESPN and go  
19 to Target?

20 A. Target is right around the corner from  
21 ESPN. It's like two minutes.

22 Q. How did you know he was done working?

23 A. He just told me what time to go there, so  
24 if I sat and had to wait for him, then I sat and had  
25 to wait for him.



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1 Q. Okay.

2 A. I was just supposed to be there at a  
3 certain time.

4 Q. Were you willing to wait for him?

5 A. For a little bit. I had already  
6 waited -- I had already been hanging around getting  
7 whatever else done for work. I was kind of ready to  
8 just go home.

9 Q. Okay.

10 And then the next thing that happened was you  
11 saw him pull in, right?

12 A. Yes, ma'am.

13 Q. And he parked right next to you, right?

14 A. Yes, ma'am.

15 Q. And then what happened?

16 A. He said, "Come get in my car so I can  
17 talk to you." I said, "Are we park -- are we  
18 leaving our cars here? Do you want to go inside  
19 Target?"

20 He said, "No, I just want to talk to you. It  
21 will only take a few minutes." He said, "Come sit  
22 in my car and chat." He said, "You should check out  
23 my car. It's like a palace back here." He drove  
24 some kind of Escalade.

25 Q. Okay, so he pulls up in like an SUV --



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1 A. Yeah.

2 Q. -- of some kind? Okay, it's big in the  
3 back, right?

4 A. It's a beast of a vehicle, yeah.

5 Q. Okay.

6 And he says to you, "It's like a palace back  
7 here," right?

8 A. "My car's like a palace," not "back  
9 here."

10 Q. Okay.

11 A. Just "my car" as a whole.

12 Q. Where did you get into the car?

13 A. Front door.

14 Q. Front door? Okay, so you --

15 So you -- he says to you, "Come get in my car  
16 so we can talk," right?

17 A. Yeah, so we can talk easier.

18 Q. So you get out of your car go over and  
19 get into his, right?

20 A. Yes.

21 Q. All right, and then what happened?

22 A. Soon as I got in, he locked the door.

23 Q. Can I ask you a question?

24 How many days after the St. Louis trip before  
25 you went to Target with him?



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1           A.     I would love to tell you. If I had my  
2 text messages in front of me, I could give you a  
3 better idea, but I --

4           Q.     Could you --

5           A.     -- my recollection is maybe a week, a  
6 week or two, maybe a week and a half.

7           Q.     All right.

8                 So you get in the front seat and close the  
9 door, right?

10          A.     Yes.

11          Q.     Then what happens?

12          A.     Then he locks the door. Then he leans in  
13 to try and kiss me again. I said, "Steve, are we  
14 seriously doing this again?" and -- you know, pulled  
15 away from him.

16                 He said, "Oh, I just wanted to see you, see how  
17 you are doing. It's so good to see you again," and  
18 I said something along the lines of, "Steve, I  
19 thought I was just here to talk." Like to me, it  
20 felt like the same thing again. I had been -- I had  
21 been convinced to go talk to someone and then for a  
22 different reason that I thought --

23                 He said -- he started talking about just stuff  
24 at home and stuff with his boys, and all his -- he  
25 has so many extra responsibilities, and his wife



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1 doesn't really do anything, and he just needs a  
2 break from it all, and I am such a nice break.

3 Q. And how did you feel when he said that?

4 A. I felt bad for him, but I didn't really  
5 want to be in the car with him.

6 Q. Okay, and then what happened next?

7 A. He said, "Just let me make you feel good  
8 for a little while," like --

9 He's like, "I am helping you out, aren't I? I  
10 gave you names of people. I will keep helping you  
11 out. You are obviously not going to say anything,  
12 or you would have said something by now. This will  
13 be good for us."

14 Q. So then what happened next?

15 A. Then he put his hands down my -- whatever  
16 I was wearing, skirt or whatever, up my skirt. He  
17 started trying to manually stimulate me again.

18 Q. What --

19 A. Rub his fingers around my crotch. He  
20 said -- you know, "Just calm down and just let me do  
21 this." Like "I know you want me. You just don't  
22 realize it yet. I am going to do great things for  
23 you, kid," so I just let it go on for a couple  
24 minutes.

25 And it was just like, "Okay, Steve. I really

1 need to go," and I made up some excuse for where I  
2 had to go that night and he said, "Okay, but if you  
3 leave now, we are going to do this again, and I am  
4 going to get a lot more than this."

5 I said, "Whatever, Steve. I got to go. Can  
6 you let me out of your car? Because I can't unlock  
7 this childproof door," so he did. He let me go, and  
8 I left.

9 Q. When did you begin to develop feelings  
10 for him? Positive feelings?

11 A. I don't know. Initially, he used to tell  
12 me, "Make sure you don't text me while I'm at home,  
13 because my wife could find out."

14 I used to text him all the time when I thought  
15 he'd be at home, just in case his wife would see  
16 him. That went on in the first week, but -- I don't  
17 know.

18 Sometime after that meeting, I guess, and  
19 before the next one.

20 Q. So sometime between the first time you  
21 were at Target --

22 A. Yeah, I actually --

23 Q. -- and the next time you saw him? Is  
24 that what you mean?

25 A. -- started feeling -- yes, yes, ma'am. I



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1 started feeling bad for him after that first  
2 meeting, and he continued to sort of reiterate the  
3 fact that his life was so terrible and that nobody  
4 knew this but me.

5 So I think those feelings of just feeling bad  
6 for him eventually kind of felt like -- I don't  
7 know, kicked in my motherly instinct, that I wanted  
8 to make things better for him, because he was going  
9 to make things better for my career. Maybe I just  
10 misunderstood him, and -- I don't know.

11 Q. But when you had your most positive  
12 feelings for him, how would you describe your  
13 relationship?

14 A. I don't know. I always had mixed  
15 feelings for him.

16 I never had "I'm in love with this guy." I  
17 never had "I wish the police would arrest this guy."  
18 It was just complete confusion over...

19 Q. So you're saying you had motherly  
20 instincts towards him, among other feelings?

21 MR. HAYBER: Could you just let her  
22 finish up?

23 I wasn't sure she was finished with  
24 the answer to the last question. She was  
25 saying something about confusion.



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1 the question. You can answer, if you  
2 understand.

3 THE WITNESS: I really don't  
4 understand.

5 MS. WALWORTH:

6 Q. When did you first feel that he was hot  
7 stuff?

8 A. Well, first of all, I call all of my guy  
9 friends "hot stuff." It's a regular greeting I use.

10 Q. That wasn't my question. When did you  
11 begin to feel he was hot stuff?

12 A. I never felt he was hot stuff in terms of  
13 any deep sexual attraction to him. He's  
14 40-something with white hair and four kids and a  
15 wife. That's not exactly what I go for, but...

16 Q. Can you describe your feelings for him  
17 when they were positive?

18 A. I felt like when things were positive, we  
19 were kind of an invincible duo at work.

20 He could do so much for me and my career and my  
21 connections, and that I could do a lot for him  
22 personally and helping him sort of sort out whatever  
23 his issues were at home and kind of give him a soft  
24 place to land, and...

25 We were like a power couple, like I said, at

1 the time, so -- I mean, I don't know how else to  
2 describe it.

3 Q. Okay, so you --

4 So you would describe yourselves as a power  
5 couple?

6 A. In terms of the fact that my feelings  
7 were always work-related to him, what he could do  
8 for me for work.

9 There was a lot of power in his position and  
10 who he was, and me sort of teaming with him in that  
11 regard, I thought could take me a lot of places.

12 Q. So did you engage in sexual activity with  
13 him so he would help you with his job -- with your  
14 job?

15 A. Well, it depends on, I guess, what  
16 timeline we're talking about here. I didn't -- I  
17 didn't go to the hotel room --

18 Q. I want to ask you after your first --

19 A. All right.

20 Q. After you first met him in the Target  
21 parking lot, when you began to have positive  
22 feelings with him, did you engage in sexual activity  
23 with him so he would help you with your job?

24 A. Yes, I did.

25 Q. Okay. Now, were the two of you dating?



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1 A. No. We didn't go out to the movies.

2 (Thereupon, an informal discussion was  
3 held off the record with the shorthand  
4 reporter.)

5 BY MS. WALWORTH:

6 Q. My question is, just without --

7 A. Yeah.

8 Q. -- just was: Were the two of you dating?

9 A. No.

10 Q. All right.

11 Did you have an orgasm when you were in his car  
12 in the parking lot in Target for the first time?

13 A. No, but I released moisture, which seemed  
14 to turn him on.

15 Q. Were you aroused?

16 A. I think it was not --

17 I mean, it wasn't mentally. Physical, yeah.  
18 It's a physical reaction to it.

19 Q. And did anything else between the two of  
20 you occur other than him having his hand in your  
21 pants or up your skirt at that time?

22 A. Not that first meeting.

23 Q. Okay.

24 And then what was the next contact that you had  
25 with him?



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1           A.     He asked me to go get his mail. I said,  
2     "Isn't that kind of strange? People are going to  
3     ask. I've never gotten your mail, ever. Carrie  
4     sits right by the mailbox," and he said, "No, no,  
5     no. Just say you are helping me out. It will be  
6     fine. Go get my mail and meet me in the hallway  
7     between Buildings 2 and 3. If she asks, just say we  
8     are friends."

9           So I went and got the mail. Carrie didn't seem  
10    to be bothered by it at all, and I met him in the  
11    hallway between Building 2 and 3.

12          Q.     Okay.

13          And so he asked you to get his mail and to meet  
14    him there, right?

15          A.     Uh-huh.

16          Q.     Sorry. You need to --

17          A.     Yes, ma'am. Sorry.

18          Q.     Thank you, and you agreed to do so,  
19    correct?

20          A.     I did.

21          Q.     Why did you do that?

22          A.     This was a few days later -- quite a few  
23    days later. He had been talking to me a lot,  
24    showered me with a lot of affection. I don't know.  
25    I just --



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1 I mean, I am always curious to see what it is  
2 he wants when I am at work, and I know he's not  
3 going to try and do anything when I'm at work.

4 Q. You would go meet with him, because you  
5 were curious; is that correct?

6 A. Curious and not worried.

7 Q. Okay.

8 So after the first time you were with him in  
9 the Target parking lot, you were no longer worried  
10 by him, correct?

11 A. I was never worried when I was at work  
12 with him.

13 That's not to say I wasn't worried about what  
14 was going to happen down the road with him outside  
15 of work.

16 Q. Okay.

17 Did you say he -- after you met at Target, he  
18 was showering you with affection?

19 A. Yeah. He started to get a lot more  
20 graphic in his text messages, a lot more about how  
21 bad he wanted me, a lot more about "We need to take  
22 this to the next level, essentially."

23 You know, "I have been good to you. I want  
24 more from you," but at the same time also sending me  
25 stuff about reasons why he wants more from me,



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1 because I am so pretty, and I am so smart, and  
2 everybody at work loves me, and I am really going  
3 places and like that.

4 Q. Would you describe that as showering you  
5 with affection?

6 A. Yeah. Sending me --

7 Texting, saying, "You are such a good person.  
8 You are so good to me." You know, "Nobody listens  
9 to me like you do," and...

10 Q. So did you begin to like him at that  
11 time?

12 A. I was starting to.

13 Q. Okay.

14 A. I don't --

15 At this point, I had already talked to Joya  
16 twice about this and Becca, and nobody was really  
17 listening to me, so...

18 Q. My question is: At this point, were you  
19 starting to like him?

20 A. At this point, I realized anything that  
21 happened between me and Steve is going to happen  
22 between me and Steve, and that I was better off just  
23 kind of making the best of this and trying to see  
24 the good in him and seeing the positive route this  
25 could take me and starting to try and like him --



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1 try and like him as a person.

2 Q. Okay, and did you actually at any point  
3 like him?

4 A. Yeah.

5 Q. Okay. When?

6 A. Mixed emotion.

7 I mean, like I said. It went back and forth by  
8 the day.

9 Q. Okay, but what -- when you -- okay.

10 Do you remember a particular instance when you  
11 felt you really liked him?

12 A. I know there were some days at work where  
13 it was just grueling.

14 He would send me text messages to try to make  
15 me laugh and say corny stuff, and it was just a nice  
16 break in my day, and I thought positively of him.

17 Q. Did you ever think you could fall in love  
18 with him?

19 A. No, because he's married.

20 Q. But you did think you could have sex with  
21 him, right?

22 A. No, I did not, which is why I never did  
23 have sexual intercourse with him, ever --

24 Q. Well --

25 A. -- nor did I -- this was all one-sided

1 A. Yeah.

2 Q. So did you suggest that the two of you  
3 meet anywhere else?

4 A. I didn't think --

5 I didn't feel it would make a difference where  
6 we met.

7 Q. That's not my --

8 A. We met in cars. No, I did not. I did  
9 not suggest --

10 Q. I just want to make the record clear,  
11 because we are both talking now. Did you suggest to  
12 him that you meet somewhere else?

13 A. I did not suggest.

14 Q. Did you refuse to meet him at Target?

15 A. I did not.

16 Q. So, then, this second time at Target, who  
17 arrived first?

18 A. I am almost positive I always arrived  
19 first.

20 Q. Okay.

21 A. It was a very short -- I arrived, and  
22 then he would come a minute later.

23 Q. Where did you park?

24 A. Same place.

25 It was dark, so I actually parked by the



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1 streetlight, like, that was in the back of the  
2 parking lot.

3 Q. So you knew you might have sex, so you  
4 parked by the streetlight?

5 A. Yeah. I didn't want to have sex. I was  
6 not there to have sex with him.

7 Q. Did you ever ask him why he was late  
8 getting there?

9 A. I honestly don't recall at this time.

10 Q. So -- so you arrived first, correct?

11 A. Yes.

12 Q. And then he arrived second, right?

13 A. I believe so.

14 Q. Did you ever think of just driving home?

15 A. No, because I would have to meet with him  
16 eventually.

17 Q. All right, so then what happened next?

18 A. Same thing that always happens. He pulls  
19 in, says, "Come in my car. Let's talk." At this  
20 point, Target was closed. There wasn't really an  
21 option of going anywhere, to go inside, that I could  
22 suggest. Got in his car with him. Talked to him  
23 for a few minutes, just about stuff going on in his  
24 life.

25 He always started with, "I got Ryan's football



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1 practice" or "I got to take the little ones to get  
2 ice cream." I don't know, whatever. It was just  
3 whatever he was up to in his life, and then he said,  
4 "Oh, but it's so good to see you. You are the best  
5 part of my day. I just want to touch you and feel  
6 you, and you feel so good, and I like seeing you get  
7 off."

8 I tried -- at that meeting, I tried -- I had  
9 done a little research and found out about the girl  
10 at the Mets at this point in time, and I brought it  
11 up and said something along the lines of "Hey, I  
12 heard about something that went down with you at the  
13 Mets with some girl. What happened?" and I said it  
14 very nervously, because I wasn't quite sure if he  
15 was going to erupt over it, and he pretty much did.

16 He said, "Oh, just this crazy bitch I used to  
17 work with. She just wanted to move from Florida to  
18 New York, and I wasn't going to give it to her, so  
19 she just went after my money. She opens her legs  
20 for anybody," and it was so like awful how he was  
21 describing this woman, and I didn't want to really  
22 ask him anything else after that.

23 He just laid it out -- laid it out there, and  
24 then it was awkward for a minute, and then he said,  
25 "But I didn't come here to talk. You know, I come



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1 here to hang out, to spend some time with you," so  
2 now I was freaked out, and in the car with him, and  
3 so -- and then he went into about -- you know, "I  
4 want to get something out of this deal today. If  
5 we're not going to have sex, then you should at  
6 least give me some head."

7 So I -- well, I tried to comply -- slightly  
8 complied -- until I gagged.

9 Q. Now, when you were doing that, where was  
10 he sitting?

11 A. In his driver's seat.

12 Q. And where were you sitting?

13 A. In the passenger seat.

14 Q. Did he remove his pants?

15 A. No, he just unzipped himself and pulled  
16 it out.

17 Q. He unzipped it and pulled out his penis?

18 A. Uh-huh.

19 Q. You have to use -- you have to speak --

20 A. Yes, ma'am.

21 Q. It didn't last long, right?

22 A. No.

23 Q. Okay.

24 Did you like the way he spoke with you when you  
25 were in the car?



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1 A. Oral sex? I don't know how else to...

2 Q. Okay.

3 When you were giving him oral sex in his car,  
4 did you find him attractive?

5 A. Not at that moment. I definitely did  
6 not.

7 Q. Okay.

8 A. Like I said, it was not something I did  
9 to anyone.

10 Q. Okay.

11 So did you look at him closely while you were  
12 giving him oral sex?

13 A. I did.

14 Q. You did?

15 And so you are giving him oral sex, and you are  
16 not happy, so your eyes are closed, right?

17 A. No.

18 Q. Okay.

19 So you are giving him oral sex, and you are  
20 looking at his penis?

21 A. I looked at it before I put my head down,  
22 and then he basically pushed my head into his crotch  
23 over and over.

24 So I am sure I was flinching at that point, but  
25 I looked at him before I started -- before I was



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1 using my mouth on him.

2 Q. And how long did you give him oral sex  
3 for?

4 A. Fifteen seconds, if that.

5 Q. Have you ever told anyone that you care  
6 very much for him?

7 A. I wrote it in a letter once.

8 Q. My question is -- okay, so you have  
9 said --

10 A. I have never said --

11 Q. Excuse me. Let me finish the question.  
12 You have said, "I care very much for him,"  
13 correct?

14 A. Not correct.

15 I have never said -- spoken -- those words to  
16 anyone. I have written once that I care very much  
17 about him.

18 Q. Okay, so you're going to --

19 You are making a distinction between when you  
20 wrote it down or when you said it, right?

21 A. Yes, I am.

22 Q. Okay.

23 Now, if you write something down, it's even  
24 more serious and meaningful than if you say it out  
25 loud, right?



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1 A. Yeah. Yes, ma'am.

2 Q. Okay.

3 And so you were -- were you together for about  
4 what, 45 minutes?

5 A. That sounds a little long.

6 Q. Okay. It was less than 45 minutes?

7 A. Yeah. I don't even -- because I had --  
8 "On my way now, be there in two."

9 It took him time to drive down, to convince me  
10 to come in his car. I mean, it's hard defining my  
11 time with him. In the car with him was not that  
12 long.

13 Q. Let me put it this way, then.

14 You were with him for less than 45 minutes,  
15 right?

16 A. Yes, ma'am.

17 Q. All right. Then at 7:25, he says "You  
18 are special," right?

19 A. Yeah.

20 Q. Do you remember -- did you say anything  
21 to him just before that?

22 A. I don't believe so.

23 Q. All right.

24 Now, on August 2nd, you had another series of  
25 texts, correct?

1 A. Uh-huh.

2 THE SHORTHAND REPORTER: Sorry. Is  
3 that a "yes"?

4 THE WITNESS: Yes.

5 BY MS. WALWORTH:

6 Q. On August 2nd at 12:09 p.m. he texts to  
7 you "Sounds great." Do you see that?

8 A. Yes.

9 Q. What did you say to him before that text?

10 A. Something along the lines of "I will see  
11 you today."

12 Q. Why were you going to see him on a  
13 Sunday?

14 A. I work on Sundays.

15 Q. Okay. Does he work on Sundays?

16 A. He does.

17 Q. Okay.

18 He sent to you "Sounds great. I am okay.  
19 Dealing with guilt issues." Do you see that?

20 A. Yes, ma'am.

21 Q. What was your reaction to that?

22 A. I am sure I asked him what he was feeling  
23 guilt -- because it was like the first time he had  
24 ever said anything along those lines, that he was  
25 feeling guilty.



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1           And I was very curious to know what he was  
2 feeling guilty about. That was a positive step to  
3 me in the right direction.

4           Q.     Okay. Did you feel guilty at all?

5           A.     Yeah.

6           I mean, I was doing things that I didn't want  
7 to do, so of course I felt guilty.

8           Q.     What was making you feel guilty?

9           A.     I don't know if "guilty" was really the  
10 word. I was more just disgusted with myself, but...

11          Q.     All right.

12          So then at 12:25, he writes to you "Nobody  
13 touched you the right way on your dates." Do you  
14 see that?

15          A.     Yes.

16          Q.     What did you say before that text?

17          A.     I believe I misspoke earlier.

18          This was the conversation where I said I went  
19 on -- all I said was "I went on a date last night,"  
20 and he went right to that.

21          Q.     Okay. Do you remember anything else that  
22 you said?

23          A.     I said -- he asked me how it went. I  
24 said -- you know, "It was fine. It was just a first  
25 date." He asked me if I went home with him, and I

1 A. That was the question about "Did you go  
2 home with him?" and I said no.

3 Q. Okay.

4 And then shortly thereafter, he says "Great  
5 idea." Do you see that?

6 A. Yes.

7 Q. What did you say?

8 A. I said -- I wanted to talk to him. "When  
9 can we meet up?" or "We should meet up again soon.  
10 I would love to talk to you." Of course, he added  
11 "I want you naked."

12 Q. And then -- let me ask you:

13 That idea -- that one that says "Great idea" is  
14 at 12:50 p.m., right?

15 A. Yes. It's out of order, huh.

16 Q. Yeah. According to your typed-written  
17 notes, that one is --

18 A. Uh-huh.

19 Q. -- that one where he says "Great idea" --

20 A. Yeah.

21 Q. -- is at 12:50 p.m. on August 2nd, right?

22 A. (Nodding).

23 Q. Then the next entry that you made was at  
24 12:46 p.m., correct?

25 A. This isn't -- this is in your order.

1 Q. No, this is your order.

2 You can look at your own lawyer's copy if you  
3 want to.

4 A. I can tell you this first page not --  
5 it's like four pages into mine, so this is...

6 Q. Your counsel provided me with the pages  
7 out of order, and I reorganized the pages.

8 That's all I did. If you -- do you want to see  
9 the original that you provided --

10 A. Yes.

11 Q. -- in the order in which you provided it  
12 to us?

13 (Pause)

14 THE WITNESS: This goes all over the  
15 place. It's not in any order.

16 August 16th, August 16th  
17 (indicating). July 30th. Yeah, it's not  
18 pages. It's just as I recorded them.

19 BY MS. WALWORTH:

20 Q. Can I --

21 A. It's not -- yeah.

22 MR. HAYBER: I have more copies of  
23 the same document.

24 MS. WALWORTH: That's okay.

25 Well, you may want to take this back,



1 because it has your -- excuse me -- your  
2 highlighting on it.

3 MR. HAYBER: Okay. I believe it's  
4 the same, just --

5 MS. WALWORTH: Let's mark this as  
6 Exhibit 3.

7 THE SHORTHAND REPORTER: Okay.

8 THE WITNESS: Even so, it wasn't --

9 (Thereupon, the document was marked by  
10 the shorthand reporter as Defendant's  
11 Hundley Exhibit 3 for identification.)

12 (Thereupon, an informal discussion was  
13 held off the record with the shorthand  
14 reporter.)

15 THE WITNESS: Sorry.

16 Regardless, it was not intentional.  
17 Probably put it down, then spaced it  
18 wrong, and moved it. I mean, I don't...

19 BY MS. WALWORTH:

20 Q. Okay.

21 So on Defendant's Exhibit 3, let me show you  
22 where we were -- you and I were looking --

23 A. Uh-huh.

24 Q. -- on Exhibit 2, "Ha, bummer for him," do  
25 you see that?



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1 A. Yep.

2 Q. And then you write -- you recorded that.  
3 At 12:50 p.m., he says "Great idea," correct?

4 A. Uh-huh. Yes, ma'am.

5 Q. And then it purports to say at 12:46  
6 p.m., "Threesome?" Correct?

7 A. Yes, ma'am.

8 Q. So there's some --  
9 There's some apparent error in -- in your  
10 transcription, right?

11 A. I don't believe it's in what I wrote  
12 down.

13 I think it's just in how I formatted this  
14 (indicating). I don't think there's any error in  
15 the data that is in there.

16 Q. Well, you just typed it up, right? You  
17 typed it up; is that correct?

18 A. Yeah, but we're four pages in now.

19 MR. HAYBER: She just wants to know  
20 if you typed it up.

21 THE WITNESS: Oh, yes.

22 MS. WALWORTH:

23 Q. Okay.

24 So Exhibit 2 and Exhibit 3 is information that  
25 you typed up, correct?



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1 A. Yes, ma'am.

2 Q. All right. Okay.

3 Could you turn to the entry on either  
4 Defendant's Exhibit 2 or Defendant's Exhibit 3,  
5 whichever one you prefer to work from?

6 It's an entry on Sunday, August 2nd, at 10:21  
7 p.m. Do you see that, if you could find it?

8 A. Yes, I do.

9 Q. Okay.

10 And Mr. Phillips, according to your document,  
11 writes "Ha. Bad girl." Do you see that?

12 A. Yeah.

13 Q. Were you texting --

14 You were texting with him on Sunday night,  
15 right?

16 A. Uh-huh. Yes, ma'am.

17 Q. And do you remember what you said just  
18 before he wrote you at 10:21?

19 A. Yeah. "I am thinking about playing hooky  
20 from work tomorrow."

21 Q. All right. Did you text with him a lot?

22 A. Quite a bit.

23 Q. Okay.

24 Now, if you look at the next series of texts,  
25 there's one from August 5th, 2009 at 3:40 p.m. Do



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1 you see that?

2 A. Yes, ma'am.

3 Q. And according to your document,  
4 Mr. Phillips texted you "I am here," correct?

5 A. On August 3rd?

6 Q. Oh, on August 5th, yes.

7 A. Yes.

8 Q. Where was he, as you understood?

9 A. At work.

10 Q. Okay.

11 Now, at 4:16, he texts "Where should I meet  
12 you?" Correct?

13 A. Yes.

14 Q. What had you written to him?

15 A. He wanted to get me -- yeah. He  
16 wanted --

17 There was an exchange between this where he  
18 wanted me to get his mail, and then asked where I  
19 should meet him.

20 Q. And what did you say?

21 A. "Wherever you want to."

22 Q. At 4:34, he writes "Can meet you by  
23 bridge from Build. 3 to 2?"

24 A. Uh-huh.

25 Q. Correct? You need to answer verbally,

  
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1 please.

2 A. Yes, ma'am.

3 Q. Then at 5:31, he texts "On way"?

4 A. Yes, ma'am.

5 Q. Okay, and four minutes later, he says:

6 "Are you kidding me with that dress? Wow."

7 What happened between 4:31 and 4:35?

8 A. I met him in the hallway.

9 Q. You met him in the hallway?

10 A. In that -- on that bridge from three to

11 two.

12 Q. Okay. What were you wearing?

13 A. A dress for work.

14 Q. Okay.

15 Did you feel complimented when he wrote you?

16 A. There was another text that went with  
17 that about what he would like to do with me in that  
18 dress.

19 This text just I felt complimented on. The  
20 other one I showed to Erin, and we both kind of were  
21 disgusted with it. I wish I could provide that to  
22 you.

23 Q. Right, but --

24 I mean, you -- you didn't write those other  
25 ones down at the time, right?



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1           A.     I don't know why that one didn't get  
2 included. There's a ...

3           Q.     Now, that same day, at 5:38, three  
4 minutes later, he writes "I will try. Problem is, I  
5 will have family waiting up for me tonight." Do you  
6 see that?

7           A.     Yes, I do.

8           Q.     What did you write to him?

9           A.     At this point, I decided I would arrange  
10 a meeting with him, and I would figure out how to  
11 reach his wife.

12           So I said something like "I would like to meet  
13 you tonight. Can you -- are you available?"

14           Q.     What happened on August 5th that made you  
15 decide you wanted to get to his wife?

16           A.     I'd been -- I don't know if there was  
17 something in particular. It's something I'd been  
18 wanting -- I'd been thinking about.

19           Obviously, I'd been sending text messages when  
20 he wasn't supposed to, on the off chance that his  
21 wife would read them at home, even though he'd  
22 warned me not to. I knew there was another  
23 meeting -- there would probably be another meeting  
24 soon enough, but this was after --

25           And I know the dates aren't in here, but this



1 was after that second parking lot meeting, where he  
2 essentially pushed my head down on his crotch to try  
3 to have oral sex, and I was pretty much done after  
4 that.

5 Q. So you were done, and you decided to meet  
6 with him, right?

7 A. I decided to meet with him in order for  
8 his wife to catch him. Not intending to do anything  
9 with him. Just be there.

10 Q. Now -- so he says to you "Let me just see  
11 how things are at home. We can probably do  
12 10 minutes." Do you see that?

13 A. Yes, I do.

14 Q. And you understood he was going to have  
15 10 minutes to get together with you, right?

16 A. Yes, ma'am.

17 Q. What makes you laugh?

18 A. That's about how long our meetings  
19 lasted, 10 minutes.

20 Q. Okay.

21 A. I mean, it wasn't...

22 Q. When you say "meetings," is that what  
23 you're referring to?

24 A. Those Target parking lot encounters.

25 Q. Okay.



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1 Then he wrote "I will text when I am on way  
2 back." Do you see that --

3 A. Yes, ma'am.

4 Q. -- at 5:43.

5 What had you written to him?

6 A. Okay.

7 Q. Okay. Now, he says at --

8 One minute later, he text you see and says "On  
9 way, two minutes." Do you see that?

10 A. It wasn't one minute later. That was  
11 nine minutes later.

12 Q. Oh, nine minutes later? Okay. It says  
13 "On way, two minutes," right?

14 A. Yes, ma'am.

15 Q. Okay.

16 Then one minute later he texts you and says,  
17 "Ha. 12:30-ish." Do you see that?

18 A. Yes, ma'am.

19 Q. What had you written before that?

20 A. Sorry. "What time would you like to meet  
21 tonight?"

22 Q. Okay, so he says "Ha. 12:30-ish," right?

23 A. Yes.

24 Q. And then he writes you "Same spot,"  
25 correct?

1 A. Yes, ma'am.

2 Q. What had you written to him?

3 A. "Where do you want to meet?"

4 Q. Okay. Then he writes to you at 9:47,  
5 correct?

6 A. Yes, ma'am.

7 Q. When did you actually meet?

8 A. We never met this night.

9 Q. Okay.

10 So at 9:47, he texts to you and says "Do me a  
11 favor. No makeup and no perfume. I can't go home  
12 with any sign of you on me. Deal?"

13 A. Yes, ma'am.

14 Q. Okay. What did you write back?

15 A. "Okay."

16 Q. Okay. Did you go without makeup and  
17 perfume?

18 A. I didn't go to this meeting at all.

19 Q. Okay. Did you get ready to go to the  
20 meeting?

21 A. I went home.

22 I went home, because we couldn't find a number  
23 that worked, thinking I would have to go to this  
24 meeting, but I never got ready for it.

25 Q. Okay, so then at 10:52 p.m., he writes --



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1 He wrote to you and said "I just got a really  
2 bad call from my wife that some woman called her  
3 about me screwing someone in Bristol. I am fucked."  
4 Do you see that?

5 A. Yes, ma'am.

6 Q. Do you know what that call was?

7 A. Yeah. I assume it's --

8 To the best of my knowledge, it's Courtney.  
9 Courtney was finally able to reach his wife.

10 Q. And who is Courtney?

11 A. A woman that I solicited to call his  
12 wife.

13 Q. What's her last name?

14 A. I think it's Arp (phonetic).

15 Q. Okay, and how did you find Courtney?

16 A. I reached out on Craigslist --

17 Q. And --

18 A. -- but --

19 Q. -- what -- go ahead.

20 A. -- but I also knew her once she reached  
21 out to me. Someone who sells a lot of weed to  
22 people around ESPN.

23 Q. You solicited someone on Craigslist to  
24 call Mrs. Phillips?

25 A. Yes, ma'am.



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1           A.     I told her what I felt was the pertinent  
2 information to decide if this was something she  
3 wanted to do or not.

4           Q.     But you didn't tell her the whole truth,  
5 did you?

6           A.     I did not tell her my involvement in  
7 this. I left out some information.

8           Q.     The information you left out was kind of  
9 important, wasn't it?

10          A.     I don't believe so.

11          Q.     Did you tell Mr. Phillips, "Someone has  
12 to tell the truth, not just half the story"?

13          A.     I'm sure I did.

14          Q.     What did you mean by that?

15          A.     This was after I had learned that he  
16 was -- he had told me himself that he will say  
17 whatever he needs to say to protect his reputation  
18 and his career.

19                 I understood that and my conversations with his  
20 co-workers to mean that he was saying I was pursuing  
21 him and I basically threw myself at him, and that  
22 was not the accurate truth.

23                 I wanted him to explain exactly how this course  
24 of events took place.

25          Q.     Would you agree that it's important to



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1 that you said something along the lines of I have  
2 been pursuing you, I want to be with you, I am  
3 throwing myself at you," and this does not look good  
4 for my reputation.

5 And he said, "I am going to say whatever I got  
6 to say -- I have to say to clear my name. You  
7 shouldn't be so worried about it. The worst thing  
8 people are going to say is that you had sex with me.  
9 Big deal. I am the one who looks bad in this  
10 situation."

11 At that point, I was angry, because I saw my  
12 entire career going down the toilet. That's when  
13 this string of texts came.

14 Q. What did you write to him right before he  
15 wrote "Wait, wait, wait"?

16 A. That I was going to call his wife and I  
17 was going to tell her what really happened, "since  
18 apparently you are just telling stories to everybody  
19 you meet."

20 Q. Okay, so then he says "I have told her,"  
21 right?

22 A. Yes, ma'am.

23 Q. But you weren't going to take his word  
24 for it, were you?

25 A. From what I gathered from being there and



1 what he had just said to me in person, he really  
2 hadn't told her. This was just him pleading to me  
3 not to go tell her.

4 Q. And why did you think you had to go tell  
5 her?

6 A. Because none of these --

7 I didn't know any of these people in the  
8 production world. Nothing I said was going to carry  
9 any weight. He had already ruined, as far as I was  
10 concerned, my reputation at work.

11 I could at least -- and this was just part of  
12 why I eventually wrote the letter. I would ruin  
13 his -- I would make things as difficult for him at  
14 home as he was making for me at work.

15 Q. Now, at around the same time, he writes  
16 to you, "Erate." Do you see that?

17 A. That's under "scared and desperate." I'm  
18 sorry.

19 Q. Oh, okay.

20 A. Yes.

21 Q. It's part of the same text?

22 A. Yes.

23 Q. "I am just scared and desperate. I'm  
24 sorry. Please understand. My life is crumbling."  
25 All of that at 6:44 p.m., right?



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1 A. Yeah..

2 Q. Now, sometime later he writes --

3 Two days later, he writes "Thanks for that" to  
4 you. "You are a good person," right?

5 A. (No response).

6 Q. Did he write that to you?

7 A. He did.

8 Q. And what had you said to him right before  
9 this?

10 A. We had talked on the phone. He was  
11 pleasantly happy that I hadn't called his wife. I  
12 really just couldn't find a phone number.

13 He believed that I was looking out for him,  
14 because I didn't follow through with any of my  
15 threats, and wanted to eventually meet with me  
16 again.

17 Q. How did you feel when he wrote "You are a  
18 good person"?

19 A. I wished he was a good person, too. I  
20 don't know.

21 Q. Now, he writes next "Ugh. Right?" What  
22 had you written to him?

23 A. "This whole situation is terrible for  
24 everyone."

25 Q. Okay. Then he writes "We will figure

1 something out," right?

2 A. Yeah. I had asked him if we were  
3 still -- because in that phone conversation he had  
4 said -- you know, "I want to meet you in L.A. I had  
5 a trip planned for L.A. for like three months to go  
6 see my brother and take him to the Monday night  
7 game."

8 I asked him, "Are you still expecting to meet  
9 me in L.A.?"

10 Q. Okay.

11 So on August 12th, you asked him "Are you still  
12 expecting to meet me in L.A.?" Right?

13 A. Yes.

14 Q. And he writes "We will figure something  
15 out," correct?

16 A. Yes, ma'am.

17 Q. Then he writes:

18 "Do me a favor and erase your texts so whomever  
19 is snooping doesn't read these. Someone seems like  
20 they are out to get you and me both for some  
21 reason." Do you see that?

22 A. Yes, ma'am.

23 Q. Do you know what he was referring to?

24 A. Yeah. He thought that phone call came  
25 from someone at ESPN, and he wanted me to look into



1 it. He was very adamant I find out who this person  
2 was, because he'd would like to say a few things to  
3 them, and so I kept trying to --

4 "Well, maybe it's -- maybe it's someone in  
5 studio? Maybe it's" -- just trying to like calm him  
6 down a bit and say, "Oh, I was looking into it.  
7 Don't worry about it. I will find it," because he  
8 was extremely angry, exactly how I thought he was  
9 going to react to someone calling his wife.

10 Q. So this is before you dropped off the  
11 letter, right?

12 A. Yes, ma'am.

13 Q. And you already knew, even before you had  
14 dropped off the letter, that he was extremely angry,  
15 because someone had contacted his wife about it,  
16 right?

17 A. Yes, ma'am.

18 Q. Did you have any thought to tell him that  
19 you had done it?

20 A. While he was angry and irate over it?  
21 Absolutely not.

22 Q. Okay. So you lied to him about it,  
23 right?

24 A. Yeah. I just said I would look into it.

25 Q. Okay.



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1           A.     I mean, I didn't lie. I just said I  
2 would look into it.

3           Q.     Did you look into it?

4           A.     Did I look into me making the phone call?

5           Q.     You did not look into it, right?

6           A.     I said I would look into it, and I  
7 would -- yeah. Okay. Fine. I did not look into  
8 it.

9           Q.     Okay. So you lied to him, right?

10          A.     I didn't feel like it was a lie at the  
11 time.

12          Q.     Well, you thought you had a good reason,  
13 right?

14          A.     I felt like if I wasn't giving him names  
15 of other people and such, I wasn't lying to him.

16          Q.     Now, on the same day at about eight p.m.  
17 at night, he writes to you "Yeah, would be great if  
18 you had a six a.m. flight for a week from Monday."  
19 Do you see that?

20          A.     I wrote that to him.

21          Q.     Oh, you wrote that to him? Okay. Why  
22 did you write that to him?

23          A.     Can I read the text before?

24                 I was -- at this point in time, I figured -- I  
25 was even looking into surveillance stuff on the



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1 computer for this trip to L.A.

2 I figured if I couldn't find a number between  
3 now and L.A., then I was going to at least get some  
4 type of photographic -- some type of tape-recorded  
5 proof of him talking to me about everything that had  
6 happened.

7 Q. What do you mean, "a number"? What  
8 number were you looking for?

9 A. If I couldn't find a phone number to  
10 actually talk to some -- to his wife --

11 Or I don't even know if I was even thinking  
12 about talking to his wife. This is still pretty  
13 early. I know for a fact I was looking at  
14 surveillance stuff for L.A. and how expensive it  
15 would be.

16 Q. Hadn't you already paid someone to call  
17 his wife by then? You had the --

18 A. Clearly it wasn't working.

19 Q. -- the house phone number.

20 (Thereupon, an informal discussion was  
21 held off the record with the shorthand  
22 reporter.)

23 BY MS. WALWORTH:

24 Q. By this time, you had his home phone  
25 number. You paid someone to call it, right?



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1           A.       The number I had was an office number  
2 when I went with Courtney to make the phone call.  
3 We found out it was his home office number. I said,  
4 "Hang up. That's his voice on the record. That is  
5 not his wife's number. We can't use this number."

6           She said, "I will go home and look and see if I  
7 can find something else." I had to get to this  
8 meeting with Steve -- go home and change, and then  
9 get to this meeting, so I never had the number that  
10 she was able to reach somebody at.

11           The only number I ever had was his office phone  
12 number at work -- I mean, at his house, which was  
13 not something I wanted to call.

14           Q.       Okay, so let me go back to this.

15           On August 12th at 7:55 p.m., you wrote to  
16 Mr. Phillips "Yeah, would be great if you had a  
17 six a.m. flight for a week from Monday," right?

18           A.       Yes.

19           Q.       Okay. Why did you write that?

20           A.       Because a lot of times he flies in and  
21 flies out the same day of his game.

22           This was in relation to "If you had a flight  
23 out the next day, so I could actually talk to you"  
24 rather than it being some sort of -- another brief  
25 parking lot-ish meeting.



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1 Q. So you wanted to spend more time with  
2 him, right?

3 A. I thought if I was going to tape-record  
4 it, I needed at least an extensive amount of time.

5 Q. My question is:

6 You wanted to spend more time with him; is that  
7 correct?

8 MR. HAYBER: Objection to the form of  
9 the question.

10 THE WITNESS: I can't answer that  
11 question without clarifying what I was  
12 wanting to spent time with him for.

13 BY MS. WALWORTH:

14 Q. Well, I will ask you that next. You  
15 wanted more time, though, right?

16 A. I would rather answer it as one question.

17 Q. No, I ask the questions. You answer  
18 them.

19 You wanted more time with Mr. Phillips; is that  
20 right?

21 A. I wanted to speak to Mr. Phillips for  
22 more time that day.

23 Q. Okay, and you planned to tape-record him,  
24 right?

25 A. Yes, I did.



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1 Q. You planned --

2 Let me just clarify your answer. You planned  
3 to tape-record him, correct?

4 A. I did not plan yet.

5 I was looking into the cost of it, how it would  
6 work. I was hopeful that I would be able to  
7 tape-record him.

8 Q. And you mean secretly tape-record him,  
9 right?

10 A. Yes, ma'am.

11 Q. And did you secretly tape-record him?

12 A. We never met in L.A., so, no. I did not  
13 secretly tape-record him.

14 Q. Did you secretly tape-record him at any  
15 time during your interactions?

16 A. I did not.

17 Q. Did you videotape him?

18 A. I did not have the means for any of this,  
19 no.

20 Q. Did you use any means to capture an audio  
21 or video representation of Mr. Phillips?

22 A. I did not.

23 Q. Okay. Not a cell phone or anything,  
24 even?

25 A. A video of him?



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1 Q. Yeah.

2 A. I did not.

3 Q. Okay.

4 A. Other than that one flip cam that was  
5 five seconds at Fenway. That's the only video I  
6 have.

7 Q. That was the first time you met, right?

8 A. Yeah, and that wasn't a conversation.

9 Q. Since then?

10 A. No.

11 Q. No video recordings of him, correct?

12 A. No, correct.

13 Q. Now, he writes to you:

14 "I know, but I have a noon appointment on  
15 Tuesday. Got to meet in the daytime on Monday.  
16 Talk soon." Do you see that?

17 A. Yes.

18 Q. Do you know why he had to meet with you  
19 in the daytime on Monday?

20 A. Because he was flying out Monday night.

21 Q. Okay. Now, you wrote to him on  
22 Wednesday, August 12th at 8:14 p.m.:

23 "One last question. Do you have family with  
24 you Sunday? Don't want to send texts at bad time."  
25 Do you see that?



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1 isn't the only one you hurt in this," right?

2 A. Yes.

3 Q. Okay.

4 Now, did you prepare this document, which is  
5 D3, for the purpose of showing it to Mr. Phillips'  
6 wife?

7 A. I did not.

8 Q. Okay.

9 A. This was prepared after.

10 Q. Okay.

11 Now, based on that second sentence there, you  
12 understood that Mr. Phillips was hurting his family  
13 already, right?

14 A. Yes. I made the assumption.

15 Q. Right. But you were hurt, too, right?

16 A. Yes, ma'am.

17 Q. Why were you hurt?

18 A. Because he was single-handedly throwing  
19 my career down the toilet -- my reputation at work  
20 down the toilet -- which was my whole life.

21 Q. Weren't you hurt because you thought he  
22 liked you?

23 A. The only concerns I had were my career.  
24 I really could care less what Steve -- whether Steve  
25 liked me as a person or wanted to be with me.



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1 Q. Okay, but -- and --

2 But your reasoning was that you weren't "going  
3 to keep this to myself any longer," right?

4 A. As in what happened to me, to myself, any  
5 longer, right.

6 Q. Then you write "Let me know when you have  
7 called her. Do it before the game," right?

8 A. Yes, ma'am.

9 Q. And then you wrote "I am a chance to warn  
10 her before I call," right?

11 A. Yes.

12 Q. That's -- there's something wrong with  
13 that sentence, right? What did you mean to write  
14 there?

15 A. "I am giving you a chance to warn her  
16 before I call."

17 Q. Okay, and then you said "It's the best I  
18 can do," right?

19 A. Yes, ma'am.

20 Q. Do you remember if you said to him "You  
21 have to fix this for me at work" or "You have to let  
22 people know we're not dating"?

23 A. We had a phone call on this day  
24 (indicating) while I was at work. He called me from  
25 Atlanta, and we were basically screaming at each



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1 other into this phone about --

2 And that's exactly the things I was talking  
3 about, and he didn't care, and eventually I hung up  
4 on him, which is when he tried to keep calling me.

5 Q. But he had written "Will you talk to me,  
6 please?" and you wrote "No" --

7 A. Right. He wrote that to me. "Will you  
8 talk to me, please?"

9 Q. He had written "Will you talk to me,  
10 please?" and you wrote "No," correct?

11 A. Correct. This was after we already  
12 talked once.

13 Q. You actually did talk to him?

14 A. Yes.

15 Q. Okay.

16 A. I hung up on him, and he kept trying to  
17 call me back.

18 Q. Then you wrote "Call her and tell her  
19 anything you haven't been honest about. You owe it  
20 to her," right?

21 A. Yeah.

22 Q. Then you wrote "Sorry, but someone has to  
23 tell the truth, not just half the story," right?

24 A. Yes, ma'am.

25 Q. Okay.

1           Now, then you wrote "Why won't you talk to me  
2           and let me explain? I listened to you yesterday,  
3           even though I didn't want to talk," and you wrote  
4           that on August 17th at 4:30 p.m. Do you see that?

5           A.     Yes, ma'am.

6           Q.     What happened that caused you to write  
7           that text?

8           A.     I had sent him a few text messages that  
9           day just because this was a whirlwind on Sunday  
10          (indicating). This was a lot of screaming, a lot of  
11          fighting, a lot of arguing.

12          Come Monday morning, I wanted to have a civil  
13          conversation about it, and he would not return my  
14          phone calls this time.

15          Q.     Now, why did you want to have a civil  
16          conversation with him?

17          A.     Because I didn't think we were getting  
18          anywhere screaming at each other and fighting like  
19          this.

20          Q.     Did you think you were going to get  
21          anywhere by threatening to tell his wife all the  
22          details?

23          A.     Probably not.

24          That's why I wanted to have the conversation  
25          the next -- the next -- the morning the next day. I



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1 had been trying to reach him all day.

2 Q. What did you want to explain?

3 A. Where I was coming from, why I felt the  
4 need to tell his wife. You know, how this was  
5 affecting me, rather than screaming it back and  
6 forth where we're cutting each other off, and  
7 actually just have a normal conversation about this.

8 Q. What did you want to say to him about why  
9 you wanted to tell his wife?

10 A. I just wanted to explain why this was  
11 having such an effect on me, because his whole  
12 demeanor was just like "I am going to say what I got  
13 to say. What are you so worried about? This  
14 doesn't affect you," and it was affecting me.

15 It was ruining my entire future at ESPN, as far  
16 as I was concerned.

17 Q. Did you regret that you had had a  
18 relationship with a married man in the office?

19 A. Well, I don't define it as a  
20 relationship, so it's hard for me to say I regret  
21 that statement.

22 Q. What do you want to call it, then?

23 A. Do I regret having ever met Steve  
24 Phillips? Yes.

25 Q. Do you regret having had an encounter



1 with a married man in the office?

2 MR. HAYBER: Objection to the form of  
3 the question. If you understand it, you  
4 can answer it.

5 THE WITNESS: Are you referring to  
6 the Target meetings?

7 MS. WALWORTH:

8 Q. We can start there.

9 A. Okay.

10 Q. Did you regret having had those  
11 encounters at Target with Mr. Phillips?

12 A. "Regret" is such a --

13 I mean, I felt disgusted by these meetings. I  
14 don't -- it's hard to regret something that I didn't  
15 do to myself. I knew I went there with the best  
16 intentions.

17 Q. Do you bear any responsibility for what  
18 happened between the two of you?

19 MR. HAYBER: Objection to the form of  
20 the question.

21 THE WITNESS: Did I make not the best  
22 choices with regards to this entire  
23 situation? Sure.

24 MS. WALWORTH:

25 Q. What are you referring to when you say

1 "not the best choices"?

2 A. Trying to handle this on my own.

3 The fact that I was even looking up tape  
4 recorder stuff at this point. I mean, this should  
5 have been handled by ESPN.

6 Q. Did you tell them everything that  
7 happened?

8 A. Did I tell who?

9 Q. Did you tell anybody at ESPN everything  
10 that happened?

11 A. I alluded to the fact that things had --  
12 things were really bad, that he had done things to  
13 me that he should have gone to prison for, but  
14 that's the extent that I told to anyone.

15 Q. Did you use those words "he should have  
16 gone to prison for"?

17 A. Prison, jail, something along those  
18 lines. Yes.

19 Q. Who did you say that to?

20 A. Jeremy Drummond, and I told Erin just  
21 that -- I had shown her some of the text messages  
22 and that I couldn't get him to leave me alone, and I  
23 was having issues with him.

24 Q. What was Erin's last name?

25 A. Erin Elser.



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1 Q. Did you tell anyone else that type of  
2 thing?

3 A. I don't believe so.

4 Q. Okay. All right.

5 Do you want to keep -- you mentioned that you  
6 were not feeling completely well, and you were a  
7 little tired.

8 Do you want to stop now, or do you want to keep  
9 going? It's entirely up to you. I don't want you  
10 to continue if you don't feel you are at your best.

11 A. Do you know what time it is now?

12 Q. It's 4:30.

13 A. We can go until five.

14 (Thereupon, a document was marked by  
15 the shorthand reporter as Defendant's  
16 Hundley Exhibit 4 for identification.)

17 (Informal discussion held off the  
18 record.)

19 MS. WALWORTH:

20 Q. Okay. I am showing you what's been  
21 marked as Defendant's Exhibit 4. Will you take a  
22 moment and look at it?

23 When you've done so, my question is going to  
24 be: Do you recognize this document?

25 A. Yes, I do.



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1 affair," did you mean to imply that the conduct  
2 between the two of you was also an affair?

3 A. I don't -- possibly. I don't -- I would  
4 assume so. I mean, that's...

5 Q. Did it occur to you as you were writing  
6 this that it might really hurt her?

7 A. I don't think I thought that as much  
8 simply because she had been through it before, and I  
9 was getting a pretty good opinion from Steve that it  
10 wasn't like he took a 10-year break between us.  
11 There had been several women, and...

12 Q. If not to hurt her, why write it?

13 A. I --

14 MR. HAYBER: The whole letter, or  
15 just that passage?

16 MS. WALWORTH: The whole letter.

17 THE WITNESS: This had nothing to do  
18 with hurting her. This was never -- I  
19 didn't -- in fact, I didn't think enough  
20 about her in doing any of this.

21 This was to hurt Steve, to make him  
22 feel at home the way I felt at work  
23 because of things he said about me that  
24 weren't true, so I was going to say things  
25 about him that weren't true to make his --

1 to make his home life.

2 BY MS. WALWORTH:

3 Q. What did he say at work, and to whom did  
4 he say it?

5 A. I don't know what he said.

6 I just know that people were snickering and  
7 making comments to me that I had never met in my  
8 life, and I certainly hadn't gone around saying I  
9 was pursuing Steve or interested in Steve.

10 Q. Now, you write "He enjoys being with me  
11 because I have more of a passion and drive to really  
12 do something with my life." Do you see that?

13 A. Yes.

14 Q. Did he ever say that to you?

15 A. He said, "I like your spunk, kid. I like  
16 that you are a hard worker. People seem to like  
17 you. You are going to do something good here," but  
18 he didn't --

19 I mean, he didn't say -- that was clearly my  
20 wording for this letter (indicating).

21 Q. Now, you write "I am not telling you all  
22 of this to hurt you in any way." Do you see that?

23 A. Yeah.

24 Q. So you did think that it might hurt her,  
25 right?



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